

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DAVID ANDREW DOUGLAS,
Petitioner

VS.

**NATHANIEL QUARTERMAN,
DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE–
CORRECTIONAL INSTITUTIONS
DIVISION,
Respondent**

C.A. NO. C-09-131

ORDER ON MOTION TO CORRECT

Petitioner is an inmate in the Texas Department of Criminal Justice - Correctional Institutions Division, ("TDCJ-CID"), and currently is incarcerated at the McConnell Unit in Beeville, Texas. Proceeding *pro se* and *in forma pauperis*, petitioner filed this habeas corpus petition challenging a disciplinary proceeding pursuant to 28 U.S.C. § 2254 on June 8, 2009 (D.E. 1). Petitioner has filed a motion which the Clerk has docketed as a motion to correct (D.E. 21). Although the relief petitioner seeks is not clear, he appears to be ordering the Clerk to provide him with some kind of a written certification:

So . . . what I REQUIRE is for you to provide in written form, complete with your personal signature affixed, the basis in the law you and B. Janice Ellington are relying upon to CHANGE My True published information, i.e., the basis you and B. Janice Ellington are relying upon to file the FRAUDULENT/FALSE INFORMATION Re Cause No. 2:09cv00131 into Public Records.

(D.E. 21, p. 1).

Petitioner has no legal right to order the Clerk of the Court to do anything. If petitioner needs relief from the court, he must file a motion, with notice to all parties. In any event, to the extent he is requesting any relief from the court, his motion is nonsensical, and is DENIED.

Petitioner has throughout his pleadings in this case questioned the authority of undersigned United States Magistrate Judge to proceed in this case because he has not consented. This case was referred to undersigned by Chief Judge Hayden Head, pursuant to 28 U.S.C. § 636 (b)(1), and based upon the District Judge's Standing Order referring prisoner and habeas cases to a United States Magistrate Judge. Consent of the petitioner is not required. *Jackson v. Cain*, 864 F.2d 1235, 1242 (5th Cir. 1989).

Furthermore, petitioner's pleading in this case is deficient. Petitioner is warned that as to any pleadings filed with the court he is required to mail a copy of the pleading to counsel for the respondent, and he is required to include at the end of his pleading a certificate of service, certifying that he mailed a copy of his pleading to counsel for respondent. FED. R. CIV. P. 5(b)(1), 5(b)(2)(C), 5(d); LR5.4, LR5.6. In the future, any pleadings failing to comply with these rules will be struck without notice and could result in the imposition of additional sanctions.

ORDERED this 28th day of August, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE